

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**JANUARY 17, 2022
8:00 AM**

MEMBERS PRESENT

Representative Sara Hannan, Chair
Senator Lora Reinbold, Vice Chair
Representative Matt Claman
Representative Bryce Edgmon
Representative Neal Foster
Representative Louise Stutes
Representative Cathy Tilton
Representative Chris Tuck
Senator Click Bishop
Senator Lyman Hoffman
Senator Peter Micciche
Senator Bert Stedman
Senator Gary Stevens

MEMBERS ABSENT

Senator Shelley Hughes (alternate)
Senator Mike Shower

OTHER MEMBERS PRESENT

Representatives Drummond, Hopkins, Merrick; Senator Wilson

AGENDA

APPROVAL OF AGENDA
COMMITTEE BUSINESS
COMMITTEE BUSINESS - EXECUTIVE SESSION

SPEAKER REGISTER

Executive Director Jessica Geary

[8:08:26 AM](#)

I. CALL TO ORDER

CHAIR HANNAN called the Legislative Council meeting to order at 8:07am in the House Finance Committee Room. Present at the call were: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Micciche, Hoffman, Stedman, Stevens, Reinbold.

Members absent were: Senators Hughes and Shower.

Thirteen members present.

II. APPROVAL OF AGENDA

[8:10:28 AM](#)

VICE-CHAIR REINBOLD moved and asked unanimous consent that Legislative Council approve the agenda as presented.

The motion passed without objection.

III. COMMITTEE BUSINESS-EXECUTIVE SESSION

A. Possible Litigation Relating to the Alaska Higher Education Investment Fund

VICE-CHAIR REINBOLD moved and asked unanimous consent that Legislative Council go into Executive Session under Uniform Rule 22(B)(1) and (3), discussion of matters, the immediate knowledge of which would adversely affect the finances of government unit and discussion of a matter that may, by law be required to be confidential. The following individuals can remain in the room or online: Jessica Geary, Santé Lesh, Megan Wallace, Emily Nauman, Hillary Martin, Marie Marks, Linda Bruce, Helen Phillips, Jodie Murdock, Brie Wylie, Shannon Easterly, legislators not on Legislative Council, any staff of Legislative Council members, and Kevin Cuddy with Stoel Rives, LLP.

The motion passed without objection

[8:11:56 AM](#)

Council went into Executive Session.

[9:25:28 AM](#)

Council came out of Executive Session.

CHAIR HANNAN requested a roll call vote to confirm a quorum.

Present at the call were: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Micciche, Hoffman, Stedman, Stevens, Reinbold.

Thirteen members present.

9:26:26 AM

VICE-CHAIR REINBOLD moved that, under the power conferred under AS 24.20.060(4)(F), Legislative Council file an amicus brief on behalf of the Legislature in legal matters concerning the sweep of the Higher Education Investment Fund into the Constitutional Budget Reserve, and that Legislative Council authorize the chair to give direction to the Legal Services Division and outside counsel regarding this briefing.

Vice-Chair Reinbold further moved that Legislative Council approve the contract with Stoel Rives LLP for legal services to prepare and file any amicus brief in legal matters concerning the sweep of the Higher Education Investment Fund into the Constitutional Budget Reserve fund.

SENATOR STEVENS said he appreciates the motion, as this action shows the Legislature's support for Alaska's students who would not know year to year if funds would be available, which could put them in jeopardy. The funds would have to come through the legislative process, the uncertainty of which would especially impact students in long-term programs, such as medical students.

SENATOR STEDMAN noted that since FY12, when this fund was created, it was not on a sweepable list and was not an issue. The Legislature operated in good faith since. It was not until this current administration reinterpreted the sweep after their legislation to liquidate this program failed in the Legislature. He voiced his support for this action.

REPRESENTATIVE EDGMON reminded the committee that even though the super majority 3/4 reverse sweep vote failed in the Legislature, the record does show that most of the Legislature still supported the reverse sweep going forward.

[9:29:13 AM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tuck; Senators Bishop, Micciche, Hoffman, Stedman, Stevens, Reinbold.

NAYS: Representative Tilton.

12 YEAS, 1 NAY

The motion passed 12-1.

IV. COMMITTEE BUSINESS

A. Review of Legislative Council COVID-19 Mitigation Policy

CHAIR HANNAN reminded Council that much of what will be discussed will be very familiar since this item was back before the Council for discussion as the recess from the previous meeting had expired.

[9:31:28 AM](#)

VICE-CHAIR REINBOLD moved to make masks available but optional in the Legislature.

CHAIR HANNAN reminded members this motion from Vice-Chair Reinbold had been substantively debated in an earlier Legislative Council meeting.

SENATOR STEVENS said he opposed making masks optional, deeming it the wrong time to lift the mask policy. A Beacon employee (COVID testing contractor) whom Senator Stevens spoke to said no Beacon workers contracted COVID. The worker attributed it to the fact they all wore masks.

SPEAKER STUTES asked for clarification: if the proposed amendment applied only to people working in the Capitol or to the public as well.

VICE-CHAIR REINBOLD, responding to a request to clarify the intent of her motion, said that to the best of her knowledge other State employees are not mandated to wear masks, and that masks and PCR tests should be available but not mandated. She stated most people are vaccinated or have had COVID, and that the current policy is over the top and not necessary. Her preference regarding

Legislative Council policy is that it deal with the Legislature and legislative staff.

SPEAKER STUTES asked again if Senator Reinbold's proposed policy change would apply to the public as well.

VICE-CHAIR REINBOLD stated her intent was that it just applied to the Legislature and legislative staff.

REPRESENTATIVE CLAMAN, addressing Executive Director Geary or Legal Services Director Megan Wallace, asked if they agreed that the current policy, which reads, "face coverings/masks are required in all legislative facilities regardless of vaccination status" was not limited to the Legislature or its employees, but applied to the public as well.

EXECUTIVE DIRECTOR GEARY agreed that the mask requirement in the policy as currently written also applied to the public in legislative facilities.

SENATOR STEDMAN said with the current status of COVID sweeping the nation and within Alaska, that he agrees with Senator Stevens' statement. He does not support the proposed amendment.

REPRESENTATIVE TUCK said he is not a fan of masks, although the Legislature must take mitigating measures, and that opening the Capitol to the public is cause for celebration. With its closure, the public has not been involved nearly as much with the Legislature as they have in the past because of COVID.

He said that last year after a policy change, it was a relief to not have to wear masks; however, Omicron is very contagious, albeit mild, and it's a balance. He said Council must look at what will happen to the Session if there is an outbreak. If Omicron hits hard here, many legislators and staff will likely be crippled from doing their business. He said his preference is testing, which is the reason Legislative Council approved mask removal in the first place.

He continued that opening the Capitol to the public would make it difficult, in cost and logistics, to test everyone who enters the building. He said that only testing the Legislature but not the public is futile. He stated that Legislative Council may be reversing priorities by focusing on masking first instead of

testing. With that he showed his support for mandatory masks until a later date.

SPEAKER STUTES asked Executive Director Geary if the proposed amendment for a voluntary mask policy would it apply to the public as well?

EXECUTIVE DIRECTOR GEARY agreed it would apply to anyone within the Capitol Complex, including the public.

SPEAKER STUTES said the amendment is concerning and she cannot support the amendment.

REPRESENTATIVE CLAMAN said part of a legislator's job is to protect their staff. If there are three staff members wanting everyone to wear masks, we all ought to be wearing masks. He stated he does not support this motion.

REPRESENTATIVE TILTON said she supports optional masking, as keeping the Capitol open should be a priority. The largest municipalities in the state have repealed their mandates. Smaller populations that do have masking and the highest vaccination rates are seeing the highest rates of COVID and Omicron. When people feel sick and have symptoms, that is the time to stay away from the building and get tested for COVID. She said masks inhibit the Legislature's ability to communicate, and said she agreed with self-screening and that there is no proof that masking stops the spread of COVID.

SENATE PRESIDENT MICCICHE called for the question and said if anyone has questions about this topic, they can watch the last meeting where it was debated in detail.

CHAIR HANNAN requested a roll call vote on the optional masking motion.

[9:44:22 AM](#)

A roll call vote was taken.

YEAS: Representative Tilton; Senators Micciche and Reinbold.

NAYS: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tuck; Senators Bishop, Hoffman, Stedman, Stevens.

3 YEAS, 10 NAYS

The motion failed.

9:46:06 AM

SENATE PRESIDENT MICCICHE moved to change "must" to "may" on page one of two in the first line of "Cycle Testing/Screening" in the COVID-19 Mitigation Policy.

CHAIR HANNAN repeated that the motion was to change the word "must" to the word "may" on line one under "III. Cycle Testing/Screening" after "Legislators and legislative staff".

SENATE PRESIDENT MICCICHE said, regarding the previous motion, that he does not disagree with any of the members' votes. In the case of this motion, he has spoken to hospitals which have only been self-screening or screening at the door. What he seeks to do with this motion is to save substantial funding as the Legislature goes forward. If additional problems arise, Council can re-evaluate the masking and testing policies.

REPRESENTATIVE TUCK said masks are tied to testing. It is a huge cost to perform testing. He does not see the need to test every cycle if he is coming to work then going home. He said testing should be required after traveling.

He continued that the responsibility to test falls solely on the individual after they travel. He trusts his colleagues and staff to test when necessary. With everyone wearing masks, and without the ability to test the public, he supports the motion.

SENATOR STEDMAN said he thinks it is still too early to relax the Legislature's standards. He sees no issue with being tested every four days. He is not as concerned with the funds used for testing as he is for the safety of the Legislature's employees and getting the Legislature's business finished in a timely manner. After this new COVID wave subsides, that is when he would like to discuss an amendment such as this.

He stated he dislikes wearing masks but sees it as a necessary sacrifice. Later he may very well support a change to the policy; however, he does not currently support the motion.

SENATOR HOFFMAN said he does not support the motion. To ensure the health of the building, Legislative Council should err on the side of caution. Juneau's case rate is very high and letting the Legislature's guard down now

would be foolish. He said Legislative Council should retain the current policy until cases go down.

REPRESENTATIVE CLAMAN said he does not support this motion. He noted his daughter, who works in a hospital, tests regularly on a similar schedule to the Legislature. She tested positive recently and had to stop working for a period. If healthcare workers take this approach, it is reasonable for the Legislature to keep the current policy.

SENATOR STEVENS said that last session the Senate passed a bill that would allow the Legislature to meet remotely, which is still currently in House Rules, presumably because the votes are not there to pass it. Many states have decided to meet remotely if necessary, he said, and that if things get worse the Legislature may be unable to pass a budget. Until the danger has passed and the Legislature has the ability to meet remotely, he is opposed to this amendment.

VICE-CHAIR REINBOLD said she strongly supports the amendment. She said she knows of no other entity that does a test every four days and that it is not justifiable. She spoke about the need for informed consent; the limitations of emergency use; the controversy over mitigation efforts; State of Alaska as an opt-in state for medical intervention; the limitations of masking and testing; and disparity between legislative and other state employee mandates. She said all of this is cost prohibitive and not justifiable.

SENATOR STEDMAN stated he would like to vote on the amendment.

CHAIR HANNAN called a brief at ease.

[9:58:52 AM](#)

CHAIR HANNAN reminded members that the motion before Council was to change the wording in the COVID Mitigation Policy in the Cycle Testing section from "must" to "may".

[9:59:02 AM](#)

A roll call vote was taken.

YEAS: Representatives Tilton, Tuck; Senators Micciche, Reinbold.

NAYS: Representatives Claman, Edgmon, Foster, Hannan, Stutes; Senators Bishop, Hoffman, Stedman, Stevens.

4 YEAS, 9 NAYS

The motion failed.

10:00:25 AM

SENATE PRESIDENT MICCICHE moved that Legislative Council extend the Beacon Occupational Safety & Health Services contract through June 30, 2022 and authorize an increase to the contract in the amount of one million dollars (\$1,000,000) using existing Legislative capital funds.

CHAIR HANNAN reminded the members that at the December meeting, Council only authorized this contract through February 15, 2022. She said Council may change the policy at any point and if testing is stopped there is no future financial obligation.

10:01:17 AM

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tuck; Senators Bishop, Micciche, Hoffman, Stedman, Stevens.

NAYS: Representative Tilton; Senator Reinbold.

11 YEAS, 2 NAYS

The motion passed 11-2.

V. ADJOURN

Chair Hannan adjourned the meeting at 10:02 AM.

10:02:17 AM